

NO. 2:92-CR-26

## ORDER

## I. FACTS

## II. DISCUSSION

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Blackstock, 513 F.3d 128, 131 (4th Cir 2008). Additionally, second or successive § 2255 petitions are prohibited unless the petitioner has secured permission from the appropriate court of appeals to file the petition. See, e.g., United States v. Winestock, 340 F.3d 200, 206 (4th Cir. 2003).


Petitioner motions for a reduction in his sentence. As this motion seeks post-conviction relief, it should be viewed as a petition under 28 U.S.C. § 2255. This is not Petitioner's first § 2255 petition and he has not secured permission from the Fourth Circuit to re-file. Thus, the Court has no jurisdiction to hear his Motion.

Moreover, the Court lacks jurisdiction to hear Petitioner's Motion because it is untimely. Under 28 U.S.C. § 2255(f), a petitioner has one year to file a motion challenging her conviction or sentence from "the date on which the judgment became final." Petitioner was sentenced in 1994, and several years have passed since his judgment became final. Thus, this Court has no power to give Petitioner his requested relief.

#### CONCLUSION

Petitioner's Motion is DISMISSED.

SO ORDERED, this 27 day of July, 2011.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE